IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO 6518 OF 2005**

Shankar Balu Jadhav ... Petitioner
V/s
Haridas Ganpati Jadhav
And another .. Respondents.

Shri T.S. Ingale for the petitioner.

Shri Uday P. Warunjikar for respondents 1 and 2

**CORAM : S.B. MHASE, J.**
**DATE : 18TH APRIL, 2006.**

**P.C.**

. Heard.

2. The order passed by the District Judge, Satara on 20th September, 2005 in Misc. Civil Appeal No. 87 of 2005 and Misc.Civil Appeal No. 103 of 2005 is under challenge. Both these appeals have arisen from an order passed below Exh.5 in Reg. Civil Suit No. 186 of 2005 decided by the Jt. Civil Judge, J.D., Satara. The present petitioner is the defendant, while respondent is the plaintiff. Both the Courts consistently have come to the conclusion that plaintiffs/respondents have right

to take water from the disputed Well and both the Courts have restrained from interfering the plaintiff/respondent from using the said Well. The trial Court by order dated 26/4/2005 have allowed the plaintiffs to use the said Well, meter box, electric pump from sun rise of Monday till the sun rise of Wednesday in turn of 10 days. As against that the appellate Court has modified the said order and allowed the respondent/plaintiff from using the said Well and the electric installation thereon from sun rise of the Monday till sun rise on Thursday in every week.

3. This is an interim arrangement brought about so as to protect the grievance of the respective parties and therefore, at this stage no interference is called for. Equally since the matter is arising from interim order, this Court refrains from interfering in its extra ordinary jurisdiction under Article 226 and 227 of the Constitution of India. Petition is dismissed.

4. Mr. Ingale however, at this stage made a request that the suit may be expedited. Mr. Warunjikar has no objection.

5. Therefore, the trial Court is directed to dispose of the said Reg. Civil Suit No. 186 of 2005, pending on the file of Civil Judge, J.D. Satara, as early as possible within a period of six months.

**[S.B. MHASE, J.]**